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THE SUPPRESSION OF LAWLESSNESS IN THE SOUTH.

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THE title of this article implies that the Southern States present conditions differing from those of other sections of the United States, and requiring remedial treatment of a special or extraordinary character. There is an element of truth in this idea, but a correct and comprehensive understanding of the subject requires careful and exact discrimination. It is true that the presence of the negro race in large numbers in the Southern States is a fact that distinguishes, in many ways, the conditions of society in those States from those of Northern communities. It is very far from true, however, that extraordinary or peculiar remedies are required or would prove useful or efficacious. On the contrary the elements of ignorance and immorality that tend to lawlessness in the South are not different in quality from those existing elsewhere, though they are more extensive and prevalent, in a relative point of view, when compared with communities with exclusively white populations.

The white race of the South has the same general and fundamental moral and intellectual qualities, and the same racial instincts and characteristics, that distinguish the race elsewhere. The subject of organized society, public morality and good government, as well as the principles that regulate private obligations and duties, are unquestionably regarded by the best classes of white people in the South as they are accepted and regarded by the people in the other States. And moreover, the better class of negroes in the South share with their white fellow-citizens the desire for the moral as well as the material improvement and advancement of our commonwealths.

The elements of ignorance and illiteracy, with an accompanying low standard of morality, prevailing widely among the negro population in the South, constitute in the broadest sense the only peculiar and abnormal features that characterize the existing situation in the Southern States. While these circumstances, complicated by the friction of race prejudice, *prima facie* seem to call for special methods of treatment, and new or novel remedies, yet after careful examination and reflection, and upon an exact and thoughtful analysis, the evident impracticability, in our form of government, of heroic or empirical legal measures for the suppression of individual crimes resolves the problem at last into one that must be dealt with by ordinary legal remedies and moral forces necessarily involving a slow and tedious process.

In view of the former condition of slavery, the negroes of the South, since their emancipation, have done well, and all that could have been expected, in the direction of moral and mental advancement ; but a vast deal remains to be done. The important and practical question that now presents itself is, What measures and remedies are best adapted to the solution of the problem of bringing the races into more harmonious relations, and for continuing the improvement that is now slowly going on?

The negro question, the race question, or the Southern question, as it has been indifferently termed, has been voluminously discussed from every point of view. The best thought of the country has been directed to its solution or adjustment, but the inquiry has always proceeded upon the fallacious assumption that a satisfactory result could only be accomplished by artificial, legal, or force methods ; whereas it is continually becoming clearer that the problem is too complicated and the environment by far too ramified and intricate for drastic or rapid treatment, and that we must be content to wait patiently and hopefully the slow but certain operation of those great moral forces and principles that underlie our social structure, and that uniformly direct human actions in the greatest concerns of races and peoples. It seems now to be the consensus of public thought and opinion on this subject that external interference cannot possibly promote the solution of this Southern problem or lessen its tension, and that at last it must be left in the hands of the communities immediately and directly concerned in its settlement and adjustment. It is not, however, within the purpose of this paper to

discuss the political phases of this question, but only to consider the fact of political and race antagonisms in their relations to the commission and suppression of crime.

The white race of the South, charged as it is with the responsibility of government in the Southern States, has accepted the responsibility, which was unavoidable, of dealing with this race issue with all that is involved in it. The measure of this trust is correctly appreciated, and its difficulties are not underestimated, nor can either of these considerations be disregarded when it is remembered that the white men of the South, above all others, are vitally concerned in the just and proper accomplishment of this task. This consideration stands as a guaranty of our earnest purpose to secure the prosperity and welfare of these Southern communities; a consummation which involves necessarily the greatest good to the greatest number of individuals of both races, resting firmly upon a broad and just basis.

While these generalities apply broadly and in a general sense to the Southern States, the observations I shall now make are directed exclusively to the State of Mississippi.

Racial antagonisms between the whites and blacks have been a serious disturbing element, and have impaired, in a measure, the proper administration of the criminal laws in this State. The inharmonious relations between the races are due very largely to political causes which, happily, are rapidly diminishing under the operation of the suffrage clause of the State constitution of 1890, which places an educational qualification upon the elective franchise. Instead of the enormous negro majority that formerly existed, there is now in the State a large majority of white electors, and the apprehensions and uneasiness in respect to the former ignorant and incompetent mass of voters have disappeared, and public disorders and disturbances, and the various forms of lawlessness having their origin in political causes, have ceased to occur, and there is no reasonable apprehension of their reappearance.

Notwithstanding the great modification or removal of the political tension, there remains a great mass of ignorance and illiteracy accompanied by a low standard of morality among the negro population, and there also remain the prejudices of race and caste which operate as an irritant, and which obstruct and impair, in a measure, the perfectly just and impartial administration of the criminal jurisprudence of the State. The

criminal laws of the State are perfectly just, and entirely equal and impartial in all their terms, in respect to the two races; and the judges, without exception, in their rulings and decisions, act with impartiality, though the verdicts of the juries in criminal cases are not always responsive to the justice of the case. Offences against property are not more numerous in Mississippi than in other States, and the civil laws in respect to private property rights are generally administered by the courts and juries with justice and impartiality between the races. It may be fairly asserted that property and property rights of every kind are generally protected as effectually as in other States, and a healthy public opinion prevails in the State in respect to this subject, and public sentiment is steadily advancing to a higher appreciation of the value of human life.

Conflicts between the races have happily ceased to occur. A far better feeling prevails between the whites and the blacks, and a just recognition of personal rights is gradually but steadily suppressing a former spirit of lawlessness. I can perceive no reason why, under the continued and steady pressure of this improving public sentiment, the race question should not gradually and finally cease to operate upon or affect the administration of the criminal laws of the State. When the magnitude of the upheaval of the social and political elements of the South that followed the emancipation and political enfranchisement of the slave population is considered, and the turbulence, public disorders, and bloodshed that unhappily marked the period of reconstruction is remembered, the present condition of public affairs in Mississippi is far from unsatisfactory. As the result of these periods of disorder, there naturally followed a marked increase of crimes of a homicidal nature, as is shown by the statistics of the State Penitentiary. Thus in the year 1879, in a prison population of 997, there were 247 convicts under sentence for murder, manslaughter, and homicidal assaults. In 1881 the total number of convicts was 876, and the number of this class of crimes was 237. Again in 1883, in a total of 763, there were 205 cases of this class. The following later statistics indicate the persistent continuance of this form of crime. Thus in the year 1890, in a prison population of 485, there were in the aggregate 219 convicts under sentence of imprisonment for murder, manslaughter, and homi-

cidal assault. In the year 1891, in a total of 543 convicts, 268 were under sentence for these crimes. In the year 1892, in a total of 601, there were 272 convicts sentenced for these crimes; while in 1893 the total prison population was 767, with 334 convicts under sentence for these homicidal offences. The white and black convicts are shown in the following proportions: In the year 1890, whites 50, and negroes 435; in 1891, whites 54, negroes 489; in 1892, whites 47, and negroes 533; in 1893, whites 120, while there were 647 negro convicts.

During the year 1893, as shown by the records of the Supreme Court of the State, there were appeals from convictions in twenty-six murder cases, ten of manslaughter and nine of homicidal assaults, making a total of forty-five convictions by juries for homicidal offences which were reviewed by the Supreme Court. Of the murder cases nine were convictions of white men, and in the manslaughter cases one-half were white offenders. The proportion or percentage of crime is very much larger with the negroes than the whites, as will appear from the relative population of the two races. The whole population of the State, as shown by the Census of 1890, is 1,289,600, of which 544,851 are whites, and 747,749 are negroes. The relative proportions of crime show one negro convict for every 1,155 of negro population, and one white convict to every 4,540 of white population.

The period embracing the years 1875 and 1876, and perhaps 1877, exhibited a high percentage of crime. The State-prison register of the year 1877 showed a total of 1,012 convicts in the state prison, and in the year 1878 the number had increased to 1,056, the blacks largely predominating. In October, 1893, the date of the last prison report, the total number of convicts was 767. This decrease in the prison population indicates a decrease in crime, and the increase in the number of white convicts from 50 in the year 1890, to 120 in the year 1893, in my judgment, is an evidence that the law is being more effectually enforced against white offenders. Both of these indications are unquestionably in the right direction.

During what is commonly known as the reconstruction period of the South, there were in many localities semi-political organizations illegal in their character, and within the past two or three years there have appeared in a few localities in the State certain lawless organizations known as "White Caps," hav-

ing in view the purposes of self-constituted vigilance committees, but not political in their character. By the ordinary methods of criminal procedure, these organizations have been completely broken up by the indictment, conviction, and punishment of numbers of the offenders. With the extermination of "White-capism" there is now no form of organized lawlessness existing in the State. Whatever of lawlessness exists here is confined to the acts of individuals, proceeding from the ordinary motives and purposes that impel individuals to violate the laws of the land.

There are occasional instances of lynching of negroes charged with the offence of criminal assault upon white women. But the instinct that prompts this form of lawlessness is not peculiar to the white race of the South, though for obvious reasons it is more frequent than in the Northern States. It is a mistake, however, to suppose that lynching is not the exception, for the prison reports show that for the year 1890 there were thirty-one convicts under sentence for this crime; in 1891 there were twenty-eight under like sentence; in 1892 there were twenty-five of such convicts; and in 1893 there were twenty-seven convicts under sentence for this crime. These statistics show clearly that ordinarily the law takes its proper course in the punishment of this most infamous of crimes, and that the lynching of the offenders is the exception, and not the rule.

The complete eradication of what is commonly termed lynch law, especially in this class of offences, has been found in all the States of the American Union a difficult, if not an impossible, task. It is obviously more difficult of treatment in the large negro populations of the South than in white communities. The death penalty has been imposed by the statutes of the State for this offence, and under the influence of this penalty I think there has been a decrease in the commission of this crime, and as the effect of an improving public sentiment there is a more general disposition to leave the trial and punishment of this class of offenders to the courts of the State. The remedies to be applied and the agencies to be employed in effecting a still further improvement in the enforcement of the law and the suppression of crime must flow naturally from the great moral forces that underlie our civilization. As the negro advances in intelligence his conceptions of the duties of citizenship will improve, and he will more distinctly and clearly perceive the duty of all members of society to obey

the laws of the state. It is not above his comprehension to understand that his welfare and immunity from punishment, not to speak of his prosperity and advancement, depend upon his observance of the rights of others. He is steadily learning this lesson. On the other hand it is becoming clearer to the white race, that the highest condition of prosperity and improvement must finally rest upon a condition or basis involving the prosperity and contentment of the negroes, who form the great body of peasantry in the Southern States, for no country can be great or prosperous with an oppressed and discontented peasantry.

Mississippi, out of its slender resources, is spending over a million and a half dollars annually in public education, and educational facilities are provided for all the children of the State. Negro illiteracy is decreasing, and if the common-school system of public education is a potent agency in the suppression of crime, satisfactory results from this source may be confidently anticipated. Education of public thought finds its way quickly into the jury box, and improves the quality of verdicts in the just and impartial enforcement of the criminal laws. In a limited way, and as incidental to the main purpose, the technicalities of criminal law by which the guilty sometimes escape, and the delays of criminal procedure so favorable to the law-breakers, might be remedied, and a better jury system might be provided.

The white men of the South have dealt with those formidable conditions substantially as any other white men would have done. It may be fairly claimed for them that they have accomplished as much as any others in their place would have accomplished, and it may be conceded that they have probably committed as many errors. As it is, they have done their best, and the present condition of improvement is not unsatisfactory, in view of the magnitude of the undertaking. The most gratifying feature in the situation is that the trend of public thought and action is steadily in the direction of justice and fair dealing, while there is nothing in view to indicate retrogression. On the contrary, everything promises a continuance of the improvement in the relations between the races and the continued moral and material advancement of the people.

J. M. STONE.